

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

APRIL PLOEGER,

Plaintiff,

v.

TRUSTEES OF THE UNIVERSITY
OF PENNSYLVANIA,

Defendant.

CIVIL ACTION
NO. 22-02389

ORDER

AND NOW, this 31st day of January 2023, upon consideration of Defendant's Partial Motion to Dismiss the Fourth Amended Complaint (Doc. No. 2), Plaintiff's Response in Opposition (Doc. No. 4), Defendant's Reply (Doc. No. 5), and the arguments of counsel for the parties at the hearing on the Partial Motion held on October 28, 2022, it is **ORDERED** that the Motion to Dismiss (Doc. No. 2) is **GRANTED in part** and **DENIED in part** as follows:

1. The Motion to Dismiss (Doc. No. 2) is **DENIED** as to Counts V and VI
2. The Motion to Dismiss (Doc. No. 2) is **GRANTED** as to Counts I, II, III, IV, VII, and VIII.
3. Counts I, II, VII, and VIII are **DISMISSED with prejudice**.
4. Counts III and IV are **DISMISSED without prejudice**.
5. The remaining claims are Count V (ADA retaliation) and Count VI (Title IX retaliation).

BY THE COURT:

/s/ Joel H. Slomsky

JOEL H. SLOMSKY, J.